

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Equal Employment Opportunity Commission,

Plaintiff,

Donna Stephens, Trustee of the Aimee
A. And Donna Stephens Trust,

Proposed Plaintiff-Intervenor,

v.

Case No. 14-13710

R.G. & G.R. Harris Funeral Homes, Inc.,

Sean F. Cox

United States District Court Judge

Defendant.

_____ /

ORDER GRANTING
UNOPPOSED MOTION TO INTERVENE

On September 25, 2014, Plaintiff Equal Employment Opportunity Commission (“EEOC”) filed this action under Title VII of the Civil Rights Act of 1964, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Aimee Stephens, who was alleged to have been adversely affected by such practices. This Court granted summary judgment in favor of Defendant and the EEOC appealed.

While the case was pending before the United States Court of Appeals for the Sixth Circuit, that Court granted Aimee Stephen leave to intervene as Plaintiff-Intervenor. *See EEOC v. R.G. & G.R. Harris Fun. Homes, Inc.*, 2017 WL 10350992 (6th Cir. 2017).

Later, the United States Supreme Court affirmed the Sixth Circuit’s ruling that Defendant unlawfully discriminated against Aimee Stephens because of her sex, in violation of Title VII. Shortly before that ruling, however, Aimee Stephens died. Prior to her death, Aimee Stephens

transferred her interest in this litigation to the Aimee A. and Donna Stephens Trust (“the Trust”), whose sole trustee is now Donna Stephens.

Following remand to this Court, Donna Stephens filed a motion seeking to intervene in this action in order to protect the Trust’s interests. That motion was filed on August 11, 2020. (ECF No. 101). Attached as an exhibit to the motion is Proposed Plaintiff-Intervenor’s proposed Complaint in Intervention. (ECF No. 101-5).

The EEOC filed a response to the motion on August 25, 2020. (ECF No. 105). In it, the EEOC states that it “has no objection to the intervention of Donna Stephens” in this case. (*Id.* at PageID.2613).

On September 14, 2020, Defendant filed a response to the Motion to Intervene. (ECF No. 108). In that response, Defendant states that it has been having fruitful discussions regarding settlement with the EEOC, and that it has “in good faith engaged in settlement negotiations with proposed plaintiff-intervenor, but with no success.” (*Id.* at PageID.2626). Defendant’s response does not set forth any legal basis for opposing the motion and, in fact, does not oppose the motion. Rather, Defendant’s response brief states that “Defendant requests the court use its sound discretion in considering the motion to intervene.” (*Id.*).

Having reviewed the unopposed motion, the Court concludes that a hearing on the motion is not necessary. The Court hereby GRANTS the unopposed Motion to Intervene and ORDERS, pursuant to Fed. R. Civ. P. 24(a) and (b), that Donna Stephen may intervene in this case by filing her proposed Complaint in Intervention. The Court ORDERS that the Complaint in Intervention

shall be filed within ten (10) days of the date of this Order.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 23, 2020